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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,556	07/23/2003	Yong-seok Yoon	1293.1843	6621

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EXAMINER

HINDI, NABIL Z

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,556

Applicant(s)

YOON ET AL.

Examiner

NABIL Z. HINDI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20, 23-26, 29, 30, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 14-16, 21, 22, 27, 28, 32 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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In response to applicant's remarks dated October 02, 2006, the following action is taken:

The claims are rejected for the same reasons set forth in the previous office action repeated herein.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 8-10, 14-16, 21, 22, 27, 28, 31,32 and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-328690.

The independent claims merely read on sampling the servo data by comparing and holding the address (header field) data during data tracking and seeking operation. The reference shows an optical disk reading apparatus having a header input signal being compared to a reference level 33, sampling and holding circuit to hold the header signal 32 meeting the claimed invention. The seek operation using a count signal predicated on a tracking signal is inherently present within the track seek operation.

With respect to the limitations of claims 3 and 10. The reference is drawn to reading an optical disks including DVD media.

With respect to the limitations of claims 7 and 16 and 22. The use of address information (header) for servo control and seek operation is notoriously well established in the art.

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With respect to the limitations of claims 27, 28, 31 and 32. the use of an optical disk within a computer system such as CD-ROM, DVD-ROM...etc is known in the art.

With respect to the limitations of claims 2 and 9. the use of HPF is called for in the reference showing the use of LPF and HPF with the sampling circuit.

With respect to the limitations of claims 35-38. the delay elements 44a-44d are present within the header detection unit 33. thus the delay corresponds to the a signal representing the header information.

Claims 4-6, and 11-13, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows or teaches comparing the sampled signal with a first and second levels and holding the first and second signals as claimed.

Claims 17-20, 23-26, 29, 30, 33 and 34 allowed.

None of the cited prior art shows or teaches an optical disk tracking servo outputting a corrected tracking signal which ignores the effect of a signal within the tracking signal representing the header signal field by holding an uncorrected tracking driving signal.

Applicant's arguments filed October 02, 2006 have been fully considered but they are not persuasive. In response to applicant's arguments centered around the prior art not showing the elements of the independent claims 1, 8 and 15. claim 1 is merely

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drawn to comparing a sampled signal then holding it. Claim 8 is drawn to sampling comparing and holding a signal, claim 15 is drawn to sampling, comparing and holding. The limitation "holding" is a delay functionality all is drawn to a tracking control apparatus. the reference as shown in the submitted English translation of the document on page 8 paragraph 8, shows the use of a tracking signal wherein a signal is sampled by element 32 compared by element 43a and delayed by elements 44a-44d meeting the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 4785442


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.



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2627